

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AURELIO GALLEGOS-PALAFIX,

Petitioner,

vs.

BRAD HANSEN,

Respondent.

8:16CV291

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Extension of Time to File Notice of Appeal. ([Filing No. 26](#).) Petitioner asks for an extension of 45 days in which to file his notice of appeal and request for certificate of appealability.

Rule 4 of the Federal Rules of Appellate Procedure requires a party to file a notice of appeal within 30 days after the challenged judgment is entered. [Fed. R. App. P. 4\(a\)\(1\)](#). Rule 4(a)(5) allows a party to move the district court to extend the time to file a notice of appeal if "(a) he moves no more than thirty days after the original thirty day deadline has passed, and (b) he shows good cause." [Pugh v. Minnesota](#), 380 Fed. Appx. 558, 559 (8th Cir. 2010) (emphasis added).

Here, Petitioner has filed a timely motion to extend the time to file his notice of appeal. For good cause shown, the court will grant Plaintiff's motion. Plaintiff has until January 17, 2018, to file notice of appeal. *See* [Fed. R. App. P. 4\(a\)\(5\)\(C\)](#) (no extension under Rule 4(a)(5) may exceed 30 days after prescribed time to file notice of appeal or 14 days after date when order granting motion is entered, whichever is later).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Extension of Time to File Notice of Appeal ([Filing No. 26](#)) is granted.

Dated this 8th day of December, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge